

Section 15. Demotion

Demotion shall mean the movement of an employee from one class to another class having a lower maximum rate of pay. Demotions can only be made by the City Manager. Demotion may be made to a vacant position as a substitute for layoff. No employee shall be demoted to a position for which that employee does not possess the minimum qualifications. Written notice of the demotion shall be given the employee three days before the effective date of the demotion.

Section 16. Hours of Work, Overtime, Premium Pay

Section 16.1 Hours of Work

The regular workweek for employees occupying full-time positions shall consist of forty (40) hours. One 15-minute rest period each shall be observed during the first half and the second half of each regular workday.

(a) An employee of the library, whose regularly scheduled working hours do not provide for two (2) consecutive regular days off within a seven (7) day work period shall be paid a five percent (5%) premium to the regular straight-time rate of pay for each hour actually worked on the day which would regularly constitute one of two consecutive days off.

(b) The City shall provide an employee a minimum of 72 hours written notice of a short-term change in the employee's schedule which does not trigger the meet-and-confer requirements of Section 3 (c) (10). To the extent possible, notice shall be given more than 72 hours in advance of such changes to facilitate the employee's adjustment to this disruption in their normal routine.

Section 16.2 Overtime

Authorized work performed in excess of 40 hours in one week shall constitute overtime. Authorized work performed in excess of eight (8) consecutive hours, or those beyond the employee's regularly scheduled hours, whichever is greater, in any one (1) day (exclusive of lunch period) shall constitute overtime. Absent extenuating circumstances, all overtime must be approved in advance by a supervisor.

An employee required to work in excess of the regularly scheduled hours of work, as defined in the preceding paragraph, shall be compensated for each overtime hour so worked at the rate of one and one-half (1 1/2) times the employee's regular straight-time rate of pay.

Except in the event of an emergency, an employee who leaves the workplace due to injury or illness shall not be eligible for overtime, call back, or standby pay until the employee's next regularly-scheduled workday.

Section 16.3 Call Back

An employee recalled to work outside of and not continuous with an employee's regularly scheduled hours shall be paid a minimum of two hours at the rate of 1 1/2 times the employee's regular straight-time rate of pay. An employee shall not receive additional two-hour payments for multiple call backs which occur within one two-hour period.

Section 16.4 Stand-by Duty

(a) An employee assigned to be on stand-by (excluding employees assigned to the Water Division) to answer calls outside of regularly-scheduled hours shall receive two hours pay at the regular straight-time rate of pay or, at the employee's option, two hours of compensatory time off at the regular straight-time rate, for each 16 hours of stand-by time. (The two regularly assigned operators of sweepers shall not be required to take stand-by.)

In addition to one straight time hour for each eight hours of standby duty, an employee assigned to such stand-by for not less than 16 hours on a holiday shall be entitled to eight straight time hours of pay or compensatory time off.

(b) In consideration for the exclusion of the Water Division from the provisions of Section 16.4 (Stand-by Duty) of this Memorandum of Understanding, the City agrees to continue in effect overtime procedures currently in effect in the Water Division, (i.e. an employee is scheduled to check the City's water facilities each week night and is compensated therefore under the provisions of Section 16.3 (Call Back) and an employee is scheduled for an eight (8) hour work shift on Saturday and Sunday each week at the overtime rate) until such time as the City determines that change of this procedure is required. Upon the determination by the City to change the assignment of employees to check the water facilities, the City shall provide at least three (3) months written notice thereof to the Union. Ninety days after delivery of such notice, Water Division employees shall be subject to the same Stand-by Rules as other employees pursuant to this Memorandum of Understanding and shall no longer be excluded from the provisions of Section 16.4. The City will give consideration to standby arrangements appropriate to the Water Division's needs.

Section 16.5 Stand-by Living Radius

Employees occupying the classifications of Maintenance Worker I/II, Maintenance Technician, and Pump Mechanic I/II shall, for purposes of standby assignment, be subject to the residency conditions detailed in "Stipulation and Order for Judgment, Case No. 347947," herein incorporated with the map in Appendix "B." Such employees may be provided a City vehicle for the duration of said assignment, subject to remaining administrative policy provisions regarding use of City vehicles.

Section 16.6 Compensatory Overtime

Subject to approval by the department head, an employee may take compensatory time off for overtime worked in lieu of receiving overtime pay therefore. Except as noted in Section

16.4 regarding standby, compensatory overtime shall be calculated at the same rate as overtime pay. No employee may accumulate more than 40 hours compensatory time. In the event the employee earns comp-time in a pay period that will result in that employee exceeding the 40-hour balance, the additional hours (except those earned as straight-time compensatory time for standby duty) will be paid as overtime pay for that pay period.

Section 16.7 Flexible Working Hours

The department head may, at the request of an employee, authorize such employee to work a schedule of 40 hours per week where some workweek hours per week are other than between 8:00 A. M. to 5:00 P. M., if the department head finds such work schedule is consistent with the operational needs of the department. Approval of a flexible working schedule shall be subject to approval by the department head and City Manager in writing and a copy shall be placed in the employee's personnel file. Initial approval of a flexible work schedule does not entitle or guarantee the employee the right to maintain that flexible work schedule and approval of a flexible work schedule does not limit the rights of management to reassign work hours should the operational needs of the department change on a permanent or temporary basis. To the extent possible, the City agrees to provide notice ten (10) working days in advance of a modification in an employee's previously approved flexible work schedule except for short term modifications or extenuating circumstances.

Section 16.8 Weekend Work

Where the seasonal operating needs of a department make it necessary for some employees to work on Saturday and/or Sunday in lieu of the regular Monday through Friday workweek, such weekend work assignments shall be made on a rotational basis based on length of service with the City. To the extent possible, the assignment of weekend work shall be scheduled in advance of the work season.

Section 17. Holidays

Section 17.1 Holiday Pay

Regular full-time employees shall be entitled to observe all authorized holidays at full pay, not to exceed eight hours for any one day, provided they are in a pay status on both their regularly scheduled workdays immediately preceding and following the holiday.

Section 17.2 Authorized Holidays

(a) The following are the eleven (11) authorized holidays:

New Year's Day
Martin Luther King Day
Presidents Day

Veterans Day
Thanksgiving Day
Day after Thanksgiving Day